

REMARKS

Please reconsider the application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application and for indicating the acceptance of the formal drawings filed on March 16, 1999.

Disposition of Claims

Claims 1-27 are pending in the present application. Claims 1, 10, 15, 16, 20, 22, 24, and 26 are independent. The remaining claims depend, either directly or indirectly, on claims 1, 10, 16, 20, 22, 24, and 26.

Rejections under 35 U.S.C. §103

Claims 1, 10, 16, 20, 22-24, and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,151,582 (hereinafter "Huang") in view of the document entitled: "Object oriented modeling and Design" (hereinafter "Rumbaugh"). For the reasons set forth below, this rejection is respectfully traversed.

MPEP §2143 states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." In the Office Action dated February 5, 2008, the Examiner, in articulating the analysis used to reject the claims under 35 U.S.C. §103, has described the various claimed elements taught and not taught by Huang. *See*, Office Action dated February 5, 2008, at pages 3-15. Further, the Examiner has described the various claimed elements taught by Rumbaugh, which are not taught by Huang. *Id.* The Examiner then concludes by asserting that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Huang to include the teaching of Rumbaugh.

Using the above rationale, the Examiner “must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference; ...” MPEP § 2143(A). Applicant respectfully submits that the Examiner has failed to do so.

If the Examiner does not produce a *prima facie* case, Applicant is under no obligation to submit evidence of non-obviousness. The initial evaluation of *prima facie* obviousness thus relieves both the Examiner and Applicant from evaluating evidence beyond the prior art and the evidence in the specification as filed until the art has been shown to suggest the claimed invention. *See*, MPEP §2142.

As an initial matter, Applicant reiterates all of the arguments presented in the response filed on November 7, 2007, which are hereby incorporated by reference. In addition, Applicant maintains the right to reiterate said arguments in all future responses and/or appeals.

The Examiner contends that Huang discloses both the existence of a plurality of sets and supersets and a tree-like structure for storing said plurality of sets and supersets. *See*, Office Action dated February 5, 2008, at pages 3-5. Applicants respectfully disagree with the Examiner’s contentions. Specifically, Applicants respectfully assert that the Examiner is mischaracterizing Huang, which is improper.

Huang discloses a decision support system (DSS) for managing a supply chain. The DSS includes decision frames to view the chain from different user perspectives (*i.e.*, view points), and to understand the potential effects of a user’s decisions on the overall supply chain. *See*, Huang at Abstract and at column 1, lines 41-52. Huang further discloses the creation of

“what-if” scenarios by a user to examine the effect of different operating parameters (*e.g.*, delivery frequency, target average inventory level, target customer service level, etc.) on the supply chain. A created scenario can be saved for and edited by other users. *See*, Huang at column 34, lines 55-65 and at column 94, lines 40-55. Huang never discusses (or even contemplates) storing the scenarios in a tree-like structure.

To the contrary, Huang does disclose that data domains are presented in tree-like structures. Huang discloses a data domain as a set of product, customer, and resource combinations for use in performing various analyses and in processing a particular user’s view point. *See*, Huang at column 2, lines 1-5 and column 93, lines 37-65. In fact, Huang explicitly teaches a new domain may be created from “a tree-like listing of all available products and product groupings and all available customer/customer groupings.” *See*, Huang at column 104, lines 12-45, and at FIG. 52.

Even assuming the Examiner’s attempt to equate the scenarios, as disclosed by Huang, with the sets and supersets of claims 1, 10, 16, 20, 22, 24, and 26 is proper, Huang still fails to teach or suggest storing said scenarios (*i.e.*, sets and supersets) in a tree-like structure. The tree-liked structure disclosed by Huang stores data domains not scenarios. Accordingly, contrary to the Examiner’s contentions, Huang fails to teach or suggest the storage of sets and supersets (*i.e.*, scenarios) in a tree-like structure, as recited in the independent claims.

Applicant respectfully notes, in the event the Examiner attempts to equate scenarios and data domain, such an association would be improper. It is abundantly clear from the discussion of Huang found in the remarks above (specifically, on the bottom of page 3 to the top of page 4) that a scenario is not equivalent to a data domain.

Rumbaugh discloses the concept of inheritance in object-oriented programming languages. *See*, Rumbaugh at page 39. However, Applicant respectfully asserts Rumbaugh fails to teach or suggest what Huang lacks.

In view of the above, the Examiner's contentions do not support the rejections of independent claims 1, 10, 16, 20, 22, 24, and 26. Claim 23 depends directly from claim 22. Accordingly, the Examiner's contentions also do not support the rejection of claim 23, and withdrawal of this rejection is respectfully requested.

Claims 2-9, 11-14, 17-19, 21, 25, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Huang, in view of Rumbaugh, in further view of U.S. Patent No. 5,835,566 (hereinafter "Cowgill"). For the reasons set forth below, this rejection is respectfully traversed.

As discussed above, the Examiner's contentions do not support the rejection of independent claims 1, 10, 16, 20, 22, 24, and 26. Claims 2-9, 11-14, 17-19, 21, 25, and 27 depend, either directly or indirectly, from independent claims 1, 10, 16, 20, 22, 24, and 26. Thus, the Examiner's contentions also do not support the rejection of 2-9, 11-14, 17-19, 21, 25, and 27, and are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hung, in view of Rumbaugh, in further view of Cowgill, and still in further view of U.S. Patent No. 6,018,497 ("Gunesekara"). For the reasons set forth below, this rejection is respectfully traversed.

Even assuming the Examiner's attempt to equate the scenarios, as disclosed by Huang, with the sets and supersets of claim 15 is proper, Huang still fails to teach or suggest storing said scenarios (*i.e.*, sets and supersets) in a tree-like structure. The tree-like structure disclosed by Huang stores data domains not scenarios. Accordingly, contrary to the Examiner's contentions, Huang fails to teach or suggest the storage of sets and supersets (*i.e.*, scenarios) in a tree-like structure, as recited in the independent claims.

Rumbaugh discloses concept of inheritance in object-oriented programming languages. *See*, Rumbaugh at page 39. However, Applicant respectfully asserts Rumbaugh does not teach or suggest what Huang lacks.

Gunsekara teaches a simulation system responsive to plurality of sets of input data for simulating an earth formation located in the vicinity of an oilfield reservoir. *See*, Gunsekara at column 1, line 21 to column 2, line 3. However, Applicant respectfully asserts Gunsekara does not teach or suggest what Rumbaugh and Huang lacks.

Cowgill discloses a system for use in a telecommunications network containing a component to be tested ("UUT"), a system for, and method of, providing in-band and out-of-band signals to test and analyze the UUT. *See*, Cowgill at Abstract. However, Applicant respectfully asserts Cowgill does not teach or suggest what Gunsekara, Rumbaugh, and Huang lack.

In view of the above, the Examiner's contentions do not support the rejection of independent claim 15, and withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 09469/157001; 94.0016).

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